

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action dated February 21, 2007.

The status of the application is as follows:

- Claims 1-36 are pending and are presently under consideration. Claim 2 has been cancelled, and claims 1, 3, 7, 20, and 25 have been amended herein.
- Claims 1-36 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 10/650,519 in view of Miller, *et al.* (US 7,079,812).
- Claims 20-23 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Panasik, *et al.* (US 6,643,278).
- Claims 1-10 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Panasik, *et al.* in view of Miller, *et al.*.
- Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Panasik, *et al.* in view of Kloper, *et al.* (US 6,941,110).

These rejections are discussed below.

The Provisional Rejection of Claims 1-36 on the Ground of Nonstatutory Obviousness-Type Double Patenting

Claims 1-36 stand as being provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending US Application No. 10/650,519 in view of Miller, *et al.* As US Application No. 10/650,519 has been abandoned, this rejection should be withdrawn.

The Rejection of Claims 20-23 and 26 Under 35 U.S.C. §102(e)

Claims 20-23 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Panasik, *et al.* This rejection should be withdrawn in view of the amendments to claim 20. In particular, claim 20 has been amended to recite, *inter alia, joining the first network to determine interference hop sequence data of the first network and joining a second FHSS network to report the interference hop sequence data to a master of the second network.* It is to be understood that

this amendment is not a concession that Panasik, *et al.* discloses the invention as originally recited in claim 20, but rather the amendment has been made to expedite fruitful prosecution.

Panasik, *et al.* teaches the monitoring of communications channels, but nowhere discloses joining a first network to determine interference hop sequence data and also joining a second network to report the interference hop sequence data of the second network as required by this claim. Accordingly, the rejection of these claims should be withdrawn.

The Rejection of Claims 1-10 and 24 Under 35 U.S.C. §103(a)

Claims 1-10 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Panasik, *et al.* in view of Miller, *et al.* This rejection should be withdrawn, as claim 24 is believed to be allowable at least by virtue of its dependency from claim 20, and the combination of Panasik, *et al.* and Miller, *et al.* fail to teach or suggest each and every aspect as recited in amended claim 1 (or claims 3-10, which depend therefrom).

Claim 1 has been amended to recite, *inter alia*, *wherein the interference detector attains the interfering hop sequence data upon the apparatus joining the interfering network and a hop sequencer which is coupled to said processor and which alters the hop sequence of a second FHSS network upon the apparatus joining the second FHSS network, wherein the hop sequence is altered based upon the interfering hop sequence data.* It is to be understood that this amendment is not a concession that the cited references render obvious the invention as originally recited in claim 1, but rather the amendment has been made to expedite fruitful prosecution.

As noted above, Panasik, *et al.* teaches the monitoring of communications channels but fails to disclose an apparatus joining an interfering network to attain hop sequence data and reported to a second network upon the apparatus joining the second network. Miller, *et al.* also fails to disclose these features. Accordingly, the combination of Panasik, *et al.* does not teach or suggest each and every aspect as recited in amended claim 1 (and claims 3-10, which depend therefrom). Therefore, withdrawal of this rejection is respectfully requested.

The Rejection of Claim 25 Under 35 U.S.C. §103(a)

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Panasik, *et al.* in view of Kloper, *et al.* Withdrawal of this rejection is respectfully requested, as claim 25 is believed to be allowable at least by virtue of its dependency from claim 20.

Conclusion

It is believed that each of the claims now in the application is distinguishable one from the other and over the prior art. Therefore, reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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